

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In Re: STEPHEN COLLIAS

Ch 13

Case # 17-46407

Judge: Phillip J. Shefferly

Debtor

**FIRST POST CONFIRMATION MODIFICATION OF THE CHAPTER 13 PLAN
PURUSANT TO L.B.R. 3015-2(B) AND F.R. Bankr.P 3015(g)**

The Debtor seeks a modification of the Chapter 13 Plan as follows:

1. The Debtor filed a Chapter 13 Bankruptcy on April 27, 2017.
2. The Chapter 13 Plan was confirmed on August 2, 2017.
3. The current Chapter 13 Plan payment is \$3,156.00 bi-weekly which became effective June 8, 2020.
4. The Debtor is seeking a Plan that proposes a 100% dividend to unsecured creditors.
5. A 100% Plan will no longer require Debtor to remit any future Federal tax refunds. Debtor requests this start for the 2019 tax year.
6. A 100% Plan will also no longer require the Debtor to amend schedule I and provide to the Chapter 13 Trustee and Creditor, US REIF 325 North Old Woodward Michigan LLC updated proof of income for Debtor and non-filing spouse on a semi-annual bases per the Order Confirming Plan entered August 2, 2017.
7. A 100% Plan will also allow Debtor to retain all profit sharing or bonuses the non-filing spouse or Debtor receives for the remainder of the case.
8. Debtor is also seeking to eliminate the step payment scheduled to take effect on September 1, 2021 in the amount of \$390.21 bi-weekly.
9. The Debtor is seeking to increase his Plan payment from \$3,156.00 bi-weekly to \$7,055.63 monthly effective July 20, 2020. Debtor is requesting a monthly deduction as the commission checks he receives once a month are much larger than the bi-weekly payments he receives for his hourly wages.

10. Debtor seeks to excuse the missed payments in the amount of \$2,555.76. The Plan payment increase to \$7,055.63 monthly is enough to fund the Plan moving forward and paying this in would just overfund the Plan.
11. Debtor's Plan is currently running timely.
12. An amended Schedule I-J will be filed contemporaneously with this Plan Modification.
13. Allowing the Debtor to modify his Plan to a 100% Plan and to not require the Debtor to remit future tax refunds starting with 2019 tax year, remit amended schedule I on a semi-annual basis, remit any profit sharing or bonuses the non-filing spouse or Debtor, eliminate the step payment scheduled to take effect on September 21, 2021 and increase his Plan payment from \$3,156.00 bi-weekly to \$7,055.63 monthly effective July 20, 2020 and excuse the missed payments in the amount of \$2,555.76 will not cause an adverse impact to the unsecured creditors in the Chapter 13 Plan as they will receive 100% dividend of the claims filed.

WHEREFORE, the Debtor is requesting that the Court modify his Chapter 13 Plan to become a 100% Plan and in which he would no longer be required to remit future tax refunds starting with 2019 tax year, amended schedule I on a semi-annual basis, remit any profit sharing or bonuses the non-filing spouse or Debtor, eliminate the step payment scheduled to take effect on September 21, 2021, increase his Plan payment from \$3,156.00 bi-weekly to \$7,055.63 monthly effective July 20, 2020 and excuse the missed payment in the amount of \$2,555.76.

Dated: July 20, 2020

/s/ John Z. Kallabat
John Z. Kallabat (P49891)
Kallabat & Associates, P.C.
Attorney for the Debtor(s)
31000 Northwestern Hwy.
Suite 201
Farmington Hills, MI 48334
248-647-6611
ecf@kallabatlaw.com

ATTACHMENT 1

LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
REAL ESTATE OTHER THAN PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
HHG/PERSONAL EFFECTS	2,825.00	0.00	2,825.00	2,825.00	0.00
JEWELRY	500.00	0.00	500.00	500.00	0.00
CASH/BANK ACCOUNTS	700.00	0.00	700.00	700.00	0.00
VEHICLES	0.00	0.00	0.00	0.00	0.00
401(k): Fidelity	26,200.00	0.00	26,200.00	26,200.00	0.00
IRA: Ameriprise	14,000.00	0.00	14,000.00	14,000.00	0.00
Term Life Insurance Policy through employer (no cash value)	0.00	0.00	0.00	0.00	0.00

Amount available upon liquidation	\$	<u>0.00</u>
Less administrative expenses and costs	\$	<u>0.00</u>
Less priority claims	\$	<u>7,960.42</u>
Amount Available in Chapter 7	\$	<u>0.00</u>

**13Network**

Kallabat & Associates

Case Query

David Ruskin Detroit MI (det)

Enter Case Number, Name, Social Security Number, or @1st Address Line:

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Recently Accessed Cases 17-46407-PJS Stephen Konstanti

17-46407-PJS	Stephen Konstantine Collias (xxx-xx-5544)	17310 Beechwood • Beverly Hills • MI • 48025	\$3,156.00 BW/	Bar Date(s): 9/5/2017 (has passed) 10/24/2017
Print Inquiry	Trustee: David Wm. Ruskin	Attorney: KALLABAT & ASSOCIATES PC	Confirmed: 8/2/2017	Case Status: Interim Review - Z (8/2/2022)

The data on these pages has not been audited and is provided for general information only.

35 Month(s) since Confirmation UP = \$0.00 TPI = \$30,112.24 TPILR = \$30,112.24 BOH = \$5,513.93 BOH+FEES = \$6,026.15

Line	Name	Claimed Amount	Mortgage Due	Coll / Value	Interest Rate	Monthly Payment	To Be Paid	Mo
ATTORNEY FEE								
1	KALLABAT & ASSOCIATES PC	\$8,358.70		\$1,800.00			\$1,800.00	
DEBTOR REFUND								
2	Stephen Konstantine Collias							
EXECUTORY CONTRACT/LEASE								
3	ADDED CREDITOR							
CURRENT MORTGAGE								
4	ADDED CREDITOR							
Mortgage Arrears								
5	ADDED CREDITOR							
POST-PET/PRE-CONF MTG PYMTS								
6	ADDED CREDITOR							
7	ADDED CREDITOR							
8	ADDED CREDITOR							
CONT'G DEBT (USE IN PLAN CALC)								
9	ADDED CREDITOR							
10	ADDED CREDITOR							
SECURED								
11	ADDED CREDITOR							
12	ADDED CREDITOR							
13	ADDED CREDITOR							
PRIORITY								
14	INTERNAL REVENUE SERVICE	\$12,707.42						
15	ADDED CREDITOR							
16	ADDED CREDITOR							
All Unsecured Creditors		Total Unsecured			Percent Allowed		Amount Allowed	
17		165111.28			100		\$165,111.28	

Change Line# 0 OK

Plan Terms 25 Calc

Unsecured % 100 Calc

 Due to Creditors: \$0.00 \$182,416.70
 In from Debtor: \$7,055.63 \$182,416.90

Restart

Trustee's % 8.5

Lump Sum \$ 6,026.15

Delete Line 0 OK

Debtor 1 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
QUICKEN LOANS	\$7,055.63	MONTHLY	\$?
Stephen Konstan	\$0.00	WEEKLY	\$?

Debtor 2 Pay Schedules

Who's Paying	Amount	Schedule	Upd	Calc
DEBTOR	\$0.00	WEEKLY	\$?

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In Re: STEPHEN COLLIAS

Ch 13

Case # 17-46407

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Debtor

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**NOTICE OF DEADLINE TO OBJECT TO PROPOSED
CHAPTER 13 PLAN MODIFICATION**

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely responses are filed to a proposed post-confirmation plan modification, the proponent may file a certificate of no response and request entry of an order approving the plan modification.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:
Attorney for Debtor: Attorney for Debtor(s): Kallabat & Associates, P.C., 31000 Northwestern Hwy., Ste 201, Farmington Hills, MI 48334: Chapter 13 Trustee: David Wm. Ruskin, 26555 Evergreen Rd., Suite 1100, Southfield, MI 48076.

Dated: July 20, 2020

/s/ John Z. Kallabat
John Z. Kallabat (P49891)
Kallabat & Associates, P.C.
Attorney for the Debtor(s)
31000 Northwestern Hwy.
Suite 201
Farmington Hills, MI 48334
248-647-6611
ecf@kallabatlaw.com

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SOUTHERN DIVISION - DETROIT**

In Re: STEPHEN COLLIAS

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Case # 17-46407

Judge: Phillip J. Shefferly

Debtor

**ORDER REGARDING THE FIRST POST CONFIRMATION MODIFICATION OF THE
CHAPTER 13 PLAN**

The above named Debtor having filed a Notice of the First Post Confirmation Modification of the Chapter 13 Plan Petition and the Court being otherwise fully advised in the premises,

IT IS ORDERED THAT:

- a) Debtor's Plan will be modified to a 100% Plan.
- b) Debtor will no longer be required to remit any future Federal tax refunds starting the 2019 tax year to the Chapter 13 Trustee.
- c) Debtor will no longer be required to amend schedule I and provide to the Chapter 13 Trustee and Creditor, US REIF 325 North Old Woodward Michigan LLC updated proof of income for Debtor and non-filing spouse on a semi-annual bases per the Order Confirming Plan entered August 2, 2017.
- d) Debtor may retain all profit sharing or bonuses the non- filing spouse or Debtor receives for the remainder of the case.
- e) The step payment scheduled to take effect on September 1, 2021 in the amount of \$390.21 bi-weekly is eliminated.
- f) The Debtor 's Plan payment is increased from \$3,156.00 bi-weekly to \$7,055.63 monthly effective July 20, 2020.
- g) The Debtor's missed payment in the amount of \$2,555.76 is excused.
- h) In all other respects, the plan, as last modified, remains in full force and effect.

Proposed

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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Debtor

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PROOF OF SERVICE

I hereby certify that on July 20, 2020, I served a copy of the First Post-Petition Plan Modification by enclosing the same in an envelope with first class postage fully prepaid, addressed to the following:

David Wm Ruskin

And I hereby certify that on July 20, 2020, I served a copy of the above named documents by enclosing the same in envelopes with first class postage fully prepaid, addressed to the following non-ECF participants:

Bennie & Linda Gordon
16838 Asbury Park
Detroit, MI 48235

Parties as they appear on the attached pacer printed matrix, not including those which will receive electronic notice of the filing from the ECF system.

Dated: July 20, 2020

/s/ Lori Reinwasser
Lori Reinwasser
Kallabat & Associates, P.C.
Paralegal
31000 Northwestern Hwy.
Suite 201
Farmington Hills, MI 48334
248-647-6611
ecf@kallabatlaw.com
P-49891

Label Matrix for local noticing
0645-2
Case 17-46407-pjs
Eastern District of Michigan
Detroit
Mon Jul 20 13:32:26 EDT 2020

Blue Cross Blue Shield
PO Box 321065
Detroit, MI 48232-1065

Credit One Bank
P.O. Box 98873
Las Vegas, NV 89193-8873

Joel E. Grand
31731 Northwestern Hwy
Suite 151
Farmington Hills, MI 48334-1654

John Henke
29800 Telegraph Rd
Southfield, MI 48034-1338

LVNV Funding, LLC its successors and assigns
assignee of Citi Held for Asset
Issuance 2015-PM2
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

LVNV Funding, LLC its successors and assigns
PO Box 10587
Greenville, SC 29603-0587

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Prosper Marketplace Inc.
C/O WEINSTEIN & RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

US Reif 325 N Old Woodward MI
c/o Grand & Grand PLLC
31731 Northwestern Hwy, Ste 115
Farmington Hills MI 48334-1654

Ally Bank
PO Box 130424
Roseville MN 55113-0004

Capital One
PO Box 6492
Carol Stream, IL 60197-6492

Detroit Medical Center
Detroit Receiving
Dept. 641450
PO Box 67000
Detroit, MI 48267-0002

Grand & Grand
31731 Northwestern Highway
Suite 115
Farmington Hills, MI 48334-1601

Johnson Matrix Fitness System Corp.
1610 Landmark Drive
Cottage Grove, WI 53527-8967

LVNV Funding, LLC its successors and assigns
assignee of FNEM, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

O'Reilly Rancillio P.C.
12900 Hall Road
Suite 350
Sterling Heights, MI 48313-1174

Premier Bankcard, Llc
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud Mn 56302-7999

David Wm Ruskin
26555 Evergreen Rd Ste 1100
Southfield, MI 48076-4251

US Reif 325 North Old Woodward Michigan, LLC
30100 Telegraph Rd, Ste 366
Bingham Farms, MI 48025-5800

Ally Financial Lease Trust
PO Box 130424
Roseville MN 55113-0004

Stephen Konstantine Collias
17310 Beechwood
Beverly Hills, MI 48025-5522

First Premier Bank
PO Box 5524
Sioux Falls, SD 57117-5524

IRS
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

John Z. Kallabat
31000 Northwestern Highway
Suite 201
Farmington Hills, MI 48334-2595

LVNV Funding, LLC its successors and assigns
assignee of Prosper Funding LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

(p)PAWNEE LEASING CORPORATION ATTN SANDI CAR
3801 AUTOMATION WAY
STE 207
FORT COLLINS CO 80525-5735

Prosper
221 Main Street
Suite 300
San Francisco, CA 94105-1909

US Attorney
211 West Fort Street
Suite 2300
Detroit, MI 48226-3269

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Pawnee Leasing
3801 Automation Way
Suite 207
Fort Collins, CO 80525

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)US Reif 325 North Old Woodward Michigan, L
30100 Telegraph Rd, Ste 366
Bingham Farms, MI 48025-5800

End of Label Matrix	
Mailable recipients	28
Bypassed recipients	1
Total	29